

### REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed May 13, 2008. Claims 10-21 are pending in this Application and Claims 10-21 stand rejected under 35 U.S.C. § 103(a). Claims 1-9 were previously canceled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. § 103**

Claims 10-13 and 14-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,950,167 issued to Rhoda Yaker (“*Yaker*”).

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yaker* as applied to Claim 10 above, and further in view of U.S. Patent 6,345,253 issued to Mahesh Viswanathan (“*Viswanathan*”).

Claims 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Yaker* as applied to Claim 17 above, and further in view of U.S. Patent 6,434,523 issued to Peter C. Monaco (“*Monaco*”).

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on

ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Applicants respectfully submit that the cited references, either alone or in combination, do not recite each and every element of the claimed subject matter, and thus cannot render obvious Claims 10-21. For example, *Yaker*, the reference cited as rendering obvious Claim 10, fails to disclose “a file directory configured to store a *link* to each program and file of the plurality of programs and other files, wherein the names of the links form a first active partial vocabulary of the voice recognition apparatus” as recited in Claim 10. In particular, *Yaker* does not teach storing a *link* (e.g., Windows shortcut) to each program and file, wherein the link forms part of the vocabulary of the voice recognition apparatus. For at least these reasons, *Yaker* does not teach, disclose or suggest each and every element of Claim 10, and therefore, cannot render obvious Claim 10. For analogous reasons, *Yaker* does not teach, disclose or suggest each and every element of Claim 15, and therefore, cannot render obvious Claim 15. Given that Claims 11-14 depend from Claim 10 and Claims 16-21 depend from Claim 15, Applicants submit that Claims 11-14 and 16-21 are also allowable.

As another example, *Yaker* fails to disclose “the file directory contains a plurality of sub-directories in at least one subordinate hierarchy level, wherein names of the plurality of sub-directories together with the names of the links form a first active partial vocabulary of the voice recognition apparatus lower down the hierarchy,” as recited in Claim 13. As an example of the functionality recited in Claim 13, a user may wish to open a file named “Jailhouse Rock.mp3.” Such a user may do so by, for example, saying a phrase such as “music Elvis Jailhouse Rock.” This phrase uttered by the user may cause the opening of a link (e.g., Windows shortcut) located in a directory hierarchy music/Elvis/Jailhouse Rock.lnk. Thus, each level in the directory structure forms a portion of the vocabulary for the voice recognition apparatus. Such functionality is not disclosed in *Yaker*. Accordingly, for at least these reasons, *Yaker* does not teach, disclose or suggest each and every element of Claim 13, and thus cannot render obvious Claim 13. For analogous reasons, *Yaker* does not teach, disclose or suggest each and every element of Claim 17, and therefore, cannot render obvious

Claim 17. Accordingly, in addition to being allowable based on their dependency from Claim 10, Claims 13 and 17 are allowable at least for the reasons set forth above in this paragraph.

For the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a), and full allowance of Claims 10-21.

**Association of Customer Number and Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Brian K. Prewitt at 512.322.2684. A Revocation and Power of Attorney will be submitted shortly.

ATTORNEY DOCKET  
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(2001P19670WOUS)

PATENT APPLICATION  
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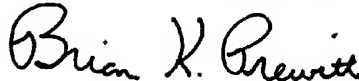
### CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 10-21.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2684.

Respectfully submitted,  
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Date: August 13, 2008

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